

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA BARRETT, individually  
and o/b/o S.S. and B.S., her minor  
daughters,

Plaintiff,

v.

WYOMING VALLEY WEST  
SCHOOL DISTRICT,

Defendant.

CIVIL ACTION NO. 3:16-cv-01769

(SAPORITO, M.J.)

ORDER

AND NOW, this 26<sup>th</sup> day of September, 2017, upon consideration of the motion to dismiss (Doc. 3) filed by the defendant, and consistent with the Memorandum filed simultaneously herewith, it is hereby ORDERED that:

1. The defendant's motion to dismiss (Doc. 3) is DENIED in part, and GRANTED in part;
2. The motion to dismiss is DENIED as to Counts I and II of the complaint;
3. The motion to dismiss is GRANTED without prejudice as

to Count III of the complaint;

4. The plaintiff is granted leave to file an amended complaint within twenty-one (21) days from the date of this order.

**s/ Joseph F. Saporito, Jr.**  
JOSEPH F. SAPORITO, JR.  
U.S. Magistrate Judge

September 26, 2017